

Title 129 - Nebraska Air Quality Regulations

Chapter 19 - PREVENTION OF SIGNIFICANT DETERIORATION OF AIR
QUALITY

001 Notwithstanding any other provisions of these regulations, section 52.21 of Title 40 Code of Federal Regulations (CFR) Part 52, July 1, 1997 edition pertaining to Prevention of Significant Deterioration of Air Quality, is hereby adopted and incorporated herein with exceptions as noted in 002 and 003.

02 Subsections (a) Plan Approval, (q) Public Participation, (s) Environmental Impact Statement, and (u) Delegation of Authority of subsection 52.21 are not included in this adoption by reference.

003 The term "Administrator" as it appears in 40 CFR 52.21 shall mean the Director, except:

003.01 In subparagraph (b)(3)(iii) relating to "net emissions increase" and (w)(2) relating to "permit recision", it shall mean both the Director and the Administrator.

003.02 It shall mean the Administrator in the following subsections:

(b)(17) Definition of federally enforceable

(f)(1)(v), (f)(3), (f)(4)(I) Exclusions from
increment consumption

(g)(1) - (g)(6) Redesignation

(l)(2) Air Quality Models

(p)(1) - (p)(2) Sources impacting Federal Class I
areas

(t) Disputed permits or redesignations

004 The procedural requirements of 40 CFR 51.166 (q) (excluding the phrase "The plan shall provide that...") are hereby adopted and incorporated herein, except that the phrase "specified time limit" shall mean thirty (30) days.

Chapter 19

005 The Director will transmit to the Administrator a copy of each permit application subject to this regulation and will notify the Administrator of each significant action the Director takes on the application.

Enabling Legislation: Neb. Rev. Stat. §§81-1504(1)(2);
81-1505(12)

Legal Citation: Title 129, Ch. 19, Nebraska Department of
Environmental Quality

EPA Rulemakings

CFR: 40 C.F.R. 52.1420 (c)

FRM: 67 FR 37325 (05/29/2002)

PRM: 67 FR 37370 (05/29/2002)

State Submission: 06/29/2001

State Final: 12/15/1998

APDB File: NE-46

Description: The C.F.R. citation in 001 was updated to July 1, 1997.

[illegible]

CFR: 40 C.F.R. 52.1420 (c) (43) (i) (A)

FRM: 61 FR 4899 (2/9/96)

PRM: 61 FR 4949 (2/9/96)

State Submission: 6/14/95

State Proposal: 12/2/94

State Final: 5/29/95

APDB File: NE-33

Description: The EPA approved a revision which incorporated the Prevention of Significant Deterioration (PSD) regulations as found in 40 C.F.R. part 52 as amended through June 3, 1994.

[illegible]

CFR: 40 C.F.R. 52.1420(c)(41)

FRM: 60 FR 372 (01/04/95)

PRM: 60 FR 418 (01/04/95)

State Submission: 2/16/94

State Proposal: 12/17/93

State Final: 6/26/94

APDB File: NE-31

Description: the EPA approved the renumbering of this rule as part of the overall recodification of the Nebraska rules. The rule was previously Chapter 7. The state also updated its incorporation by reference of the EPA's PSD regulation.

Note: All previous versions of the rule are obsolete; the record of prior rulemakings is shown below for historical purposes only.

[illegible]

CFR: 40 C.F.R. 52.1420(c)(39)

FRM: 56 FR 50515 (10/7/91)

PRM: None

State Submission: 3/8/91

State Proposal: 12/7/90

State Final: 2/20/91

APDB File: NE-30

Description:	The EPA approved a revision as part of an update of a number of regulations. The state updated references to the EPA regulations and guidance.
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[illegible]

CFR: 40 C.F.R. 52.1420(c)(38)

FRM: 56 FR 30335 (7/2/91)

PRM: None

State Submission: 3/8/91

State Proposal: 12/17/90

State Final: 2/20/91

APDB File: NE-29

Description: The EPA approved an amendment to the rule to incorporate the NO_x increments into the requirements for PSD.

[illegible]

CFR: 40 C.F.R. 52.1420(c)(37)

FRM: 54 FR 21059 (5/16/89)

PRM: None

State Submission: 6/15/88

State Proposal: 2/5/88

State Final: 6/5/88

APDB File: NE-21

Description: The EPA reapproved this rule as Chapter 7 as part of an action to update the entire set of regulations in the Nebraska SIP. The state's revision included the addition of PM₁₀ provisions.

[illegible]

CFR: 40 C.F.R. 52.1420(c)(29)

FRM: 49 FR 29597 (7/23/84)

PRM: 48 FR 39472 (8/31/83)

State Submission: 5/23/83; 5/30/84

State Proposal: 3/25/83

State Final: 5/22/83

APDB File: NE-16

Description: The EPA approved a new Rule 4.01 which adopted the Federal PSD requirements by reference.

[illegible]

Difference Between the State and EPA-Approved Regulation

None.